



**CITY OF HOUSTON**  
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April 23, 2010

**SUBJECT:** **Letter of Clarification 4**

**REFERENCE:** **Invitation to Bid No.: S37-L23584 for Towing Services for Vehicles and Equipment for the City of Houston**

**TO:** **All Prospective Bidders:**

**This Letter of Clarification is issued for the following reasons:**

- **The following questions and City of Houston responses are hereby incorporated and made a part of the Request for Proposal:**

1. 2.5.1 – What vehicles will be “seized” vehicles from Houston Police Department specifically? Stolen vehicles? Fatalities? Narcotic vehicles? Etc.

**ANSWER:** Vehicles are seized under Chapter 59 of the Code of Criminal Procedure. For vehicles to be seized they must have been used in the commission of a criminal act, intended for use in a criminal act, direct proceeds of a criminal act, obtained by a criminal act or obtained with proceeds from a criminal act.

2. Is the contractor exempt from notification and other requirements of state law, specifically Chapter 2303, Occupations Code; Chapter 2308, Occupations Code and Chapter 683, Transportation Code?

**ANSWER:** These vehicles are put on investigative hold pending the outcome of the seizure process. Once a vehicle has been removed from the seizure process, proper notification is required.

3. Is the contractor required to give notice to owners and lien holders and if so, what are the fees?

**ANSWER:** No notices are sent to owners or lien holders until vehicle disposition has been determined. Once a notice is sent, the owner / lien holder has seven (7) contract rate days to retrieve their vehicle. On the 8th day, fees will be assessed in accordance with City Ordinance.

4. Are any fees allowed to be collected under Chapter 8, Houston City Ordinances?

**ANSWER:** No ordinance regulated fees are charged until a failure to retrieve period has been satisfied. Then, the City Ordinances, laws and policies will be followed.

5. Why is the light duty tow truck rate set at up to a 10,000 pound gross vehicle weight?

**ANSWER:** HPD officers enforce traffic laws on commercial vehicles with a Gross Vehicle Weight Rating of 10,001 pounds or greater. Basically, vehicles up to 10,000 lbs. are considered light duty and are not rated as commercial vehicles.

6. Will a tow truck be allowed to tow 2 vehicles at one time?

**ANSWER:** HFD responds no. That would delay getting the vehicle to HFD Fleet at Dart Street – more than likely this situation would cause a delay to HFD starting repairs.

7. 2.15.1 – Explain what a privately owned facility and a city owned facility is?

**ANSWER:** A privately owned facility is a storage lot owned and operated by a private enterprise and a city owned facility is one owned by the City of Houston.

8. 2.15.4 – Does the inside and outside storage have to be at the same location?

**ANSWER:** Yes.

9. 2.15.6.1 –Why is the number of 30 video cameras specific?

**ANSWER:** For the preservation of the vehicle while in the seizure process and to provide maximum video coverage of the storage facility, it is estimated that a minimum of 30 video cameras be deployed. This achieves interior and exterior coverage of a facility.

10. 2.15.7 – Is there an estimated timeline on holding of personal property?

**ANSWER:** When FIST is notified by the contract vendor of personal property left in a seized vehicle, the concerned officer is then notified to retrieve such property. The property should be retrieved within 48-hours.

11. 2.18.2 – Is the fee to owners/lien holders the same as the contracted price?

**ANSWER:** The fee is at the contracted price until vehicle disposition has been determined. Once a notice is sent, the owner / lien holder has seven (7) contract rate days to retrieve their vehicle. On the 8th day, fees will be assessed in accordance with City Ordinance.

12. Is the amount collected and subtracted from all departments' billing?

**ANSWER:** Money collected as a result of the seized vehicle being released is subtracted from the overall monthly seizure invoice.

13. 2.15.2 - Why is there a timeline on the use of good qualified insured tow companies? How is the contractor going to work with minority owned tow companies?

**ANSWER:** This question is not applicable to 2.15.2 of the Scope of Work/Specification.

14. 2.26.1 – Under this section, Contractor performs certain functions at Contractor's expense such as vehicle fluids; however in section 2.27.2.2.2, Contractor is allowed to collect contracted rates for storage/maintenance as per the contract rate but is the fee the same for owner/lien holders that retrieve the vehicles and are required to pay for the services provided?

**ANSWER:** Yes, based on the contract rate.

15. 3.0 – This section seems to allow additional facilities and equipment by the contractor. Are other vehicles going to be added to this contract to be towed at a later date? If so, what kind of tows and who will make that decision?

**ANSWER:** Section 3.0 is a standard provision in all of the City's service contracts. It allows the City to add or delete facilities and/or equipment, at its discretion.

16. 4.1.2 - Motor carriers under Texas law are allowed to have Occupational Accident insurance in the same limits as Workers comp but at a much better rate. Especially since the Pay to Play requirements have been enacted and required and in light of the economic situation, in order for the city to get the best rate possible, it would be wise to consider. The liability falls to the contractor totally and many contracts for towing in the city have allowed occupational insurance as a requirement in lieu of workers comp.

**ANSWER:** The insurance requirements are determined by the City of Houston's insurance department in consultation with the City's insurance broker.

17. 8.0 – No efforts have to be made to have a tower that is an MWBE?

**ANSWER:** Every effort is made to include MWBE's. Any entity, including MWBE's, which can fulfill the Scope of Services requirements is invited to bid for this contract. This contract also has an MWBE subcontractor participation amount of 7%.

18. Does this contract include 18 wheeler motor carriers that owe penalties?

**ANSWER:** If 18 wheeler motor carriers are stopped and have warrants, the contractor will be asked to tow them.

19. On the bid form, enclosed in the last few bid boxes marked year 1, 2, etc. is the number 5780 under Quantity-- is this number of days or number of vehicles?

**ANSWER:** This number represents an estimated number of vehicles per any given day times 365 days per year divided by 12 (months) in order to get an idea of the daily cost of inside storage and maintenance.

20. What is the final disposition of vehicles if no owner/lien holder picks vehicle up? Does the Contractor hold the auction? Does the Houston Police Department, Auto Detail hold the auction through their process? In whose name is title issued? Who gets funds from the auction?

**ANSWER:** The vehicle will be auctioned as a non-consent abandoned vehicle under the supervision of the Houston Police Department Auto Dealers Unit. The proceeds from the auctioned vehicle will be deposited in the General Funds Account after all applicable charges are paid.

21. Is the City closing the Dart St. HPD storage facility?

**ANSWER:** This question is not applicable to the Scope of Work.

22. Why is a mileage of 12 miles important for the building and storage?

**ANSWER:** The 12-mile radius basically equates to the distance from 1200 Travis to Beltway 8. Department personnel responsible for the routine inspections of the seized vehicles are stationed at 1200 Travis and any storage facility within the Beltway 8 will be acceptable.

23. There are few new vehicles that do not cost \$20,000. Is there discretion given on vehicles that truly need inside storage?

**ANSWER:** Yes, there is discretion on this and may be decided on a case by case basis.

24. Please clarify the following "privately owned vehicles in police custody". Does this include the police dispatching of stolen, DWI's, fatalities, disabled and/or broken down vehicles on public roadways?

**ANSWER:** A privately owned vehicle is a vehicle not owned by the City of Houston. The Houston Police Narcotics Division's Funds, Informants, Seizure Team (FIST) only handles seized vehicles. Vehicles are seized under Chapter 59 of the Code of Criminal Procedure. For vehicles to be seized, they must have been used in the commission of a criminal act, intended for use in a criminal act, direct proceeds of a criminal act, obtained by a criminal act or obtained with proceeds from a criminal act.

25. Section 2.5.1, concentrates on the vehicles, seized/custody by Narcotics, the rest of the contract does not mention Narcotics. Is this contract strictly for Narcotics or is this one section of the bid? Since Narcotics requires a specialized service it would appear that they need a separate bid.

**ANSWER:** This contract is not strictly for seized vehicles. Seized vehicles are one aspect of the contract.

26. Transportation of Vehicles 2.14. Please define "privately owned in its custody"—Is this City employee owned vehicles or is this any type of vehicles, including business, that are located in the boundaries of this contract?

**ANSWER:** A privately owned vehicle is a vehicle that is not owned by the City of Houston and is part of an investigation.

27. Payment Terms (page 28). Please confirm that services ordered by the City will be paid.

**ANSWER:** Properly prepared and detailed invoices submitted with back-up documentation as specified in Section 2.27, pages 14-16 of the Scope of Work, will be paid by the City for services rendered by the Contractor.

When issued, Letter(s) of Clarification shall automatically become a part of the solicitation documents and shall supersede any previous specification(s) and/or provision(s) in conflict with the Letter(s) of Clarification. It is the responsibility of the proposers to ensure that they have obtained any such previous Letter(s) associated with this solicitation. By submitting a proposal on this project, proposers shall be deemed to have received all Letter(s) of Clarification and to have incorporated them into this solicitation.

If you have any questions or if further clarification is needed regarding this ITB, please contact Joyce Hays at 832-393-8723.

Sincerely,

*Joyce A. Hays*

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cc: L23584 Solicitation File

**End of Letter of Clarification 4**